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SENATE MEMORIAL 69

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Cisco McSorley

A MEMORIAL

ENCOURAGING STATE LAW ENFORCEMENT TO CHANGE ITS POLICY OF
ENFORCING THE FEDERAL LAW ON USE OF MEDICAL CANNABIS.

WHEREAS, New Mexico's medical marijuana bill took effect
on July 1, 2007, after enactment of the Lynn and Erin
Compassionate Use Act; and

WHEREAS, in January 2009, the department of health issued
rules governing production, distribution and use of medicinal
cannabis under state law, affording legal protection to persons
with serious, debilitating medical conditions, including
cancer, glaucoma, multiple sclerosis, epilepsy, spinal cord
damage or HIV-AIDS for possession and use of medical cannabis;
and

WHEREAS, even so, a Silver City woman who joined the
state's medical cannabis program and who has a license to grow

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1 marijuana plants to aid in her pain from car crash injuries was
2 unexpectedly threatened with eviction from her apartment; and

3 WHEREAS, President Barack Obama has stated that he
4 believes that "federal resources should not be used to
5 circumvent state laws" and has stated that he expects federal
6 law enforcement leadership to review their policies with that
7 in mind; and

8 WHEREAS, it is predicted that the Obama administration
9 soon will instruct the federal drug enforcement agency to
10 conduct medical cannabis raids only in instances where
11 investigators believe a business is in violation of state or
12 local regulations or is operating as a cover for other criminal
13 behavior; and

14 WHEREAS, New Mexico is among thirteen states that have
15 passed laws that permit individuals living with a serious or
16 chronic illness to use medical cannabis, as recommended by a
17 licensed physician according to state and local regulation; and

18 WHEREAS, New Mexico law enforcement agencies recognize
19 that state law protects patients who have registered with the
20 department of health for the medical cannabis program for
21 possession of medical cannabis;

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
23 OF NEW MEXICO that state law enforcement agencies continue to
24 honor the Lynn and Erin Compassionate Use Act and, in keeping
25 with expected changes in federal rules, immediately stop

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1 enforcing federal law against medical marijuana use; and

2 BE IT FURTHER RESOLVED that the senate discourage use of
3 state funds, especially in this lean budget climate, for
4 investigation, arrest or prosecution of those authorized by
5 state law to use or provide medical cannabis in accordance with
6 state or local law; and

7 BE IT FURTHER RESOLVED that the senate urge the New Mexico
8 congressional delegation to support any federal legislation
9 that removes medical cannabis from Schedule I of the federal
10 Controlled Substances Act, allowing for greater federal and
11 state oversight of the medical use of cannabis; and

12 BE IT FURTHER RESOLVED that the senate urge the New Mexico
13 congressional delegation to support any federal legislation
14 that supports and recognizes the protections of the Lynn and
15 Erin Compassionate Use Act under federal law or that otherwise
16 protects medical cannabis patients and providers; and

17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the secretary of public safety, the chief of
19 each law enforcement agency in the state and the New Mexico
20 congressional delegation.